

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

KEY EQUIPMENT FINANCE INC

PLAINTIFF

v.

2:08CV00087-WRW

JAMES KING

DEFENDANT

ORDER

Pending is Plaintiff's Motion for Default Judgment (Doc. No. 5). The Court will treat the motion as a Motion for Clerk's Default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Under Rule 55(a), the party seeking default judgment must have the Clerk of the Court enter the default by showing that the opposing party has failed to plead or otherwise defend. After default has been entered by the Clerk, the moving party may, under Rule 55(b), seek entry of judgment on the default.

Plaintiff's Motion for Default Judgment is referred to the Clerk of the Court for consideration of entry of a Clerk's default.

IT IS SO ORDERED this 14th day of January, 2009.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE